crued by lapse of time. But the court rightly decides that by his deed A does not abandon possession of the minerals, rather he continues to assert his right therein for his grantee. And a recent Tennessee case reaches the same conclusion. *McBurney* v. *Glenmary Coal & Coke Co.*, 121 Tenn. 275.

PATENTS — INFRINGEMENT: RIGHT TO ACCOUNTING OF PROFITS IN EQUITY. — The plaintiff filed a bill for infringement of a patent, averring that he had never manufactured or sold the patented article, nor sustained actual damage from the use of his invention by others, and praying for an injunction, and accounting of profits. By the rules of the court the cause could not be heard until a time when the patent would have expired, and hence an injunction could not be obtained. The defendant demurred. *Held*, that the demurrer should be overruled. *Tompkins* v. *International Paper Co.*, 183 Fed. 773 (C. C. A., Second Circ.).

The owner of a patent should be so secured against infringement of his right that not only should he not lose but the infringer should not gain by his own wrong. See WALKER, PATENTS, 3 ed., § 420. Equity furnishes this security by compelling the infringer to account for profits. But a bill for a bare accounting of profits will not be sustained in equity; there must be an independent ground of equitable jurisdiction, *e. g.*, the right to an injunction. *Root* v. *Railway Co.*, 105 U. S. 189. The remedy at law, however, often fails to afford proper protection, for the infringer's profits may exceed the inventor's damages. Recognizing this, a statute allows the court to impose treble damages. U. S. COMP. ST., 1901, § 4919. But in the principal case, the damages are nominal, and treble damages would not equal profits. It would seem that the plaintiff might waive the tort and sue in assumpsit. See *Sayles* v. *Richmond, Fredericksburg & Potomac R. Co.*, 4 Ban. & A. (U. S.) 239; *Steam Stone Cutters Co.* v. *Sheldons*, 15 Fed. 608. But as the right to this action is not clearly established, the principal case is to be supported on the ground that equitable jurisdiction arises from lack of an adequate remedy at law. See *Root* v. *Railway Co.*, 105 U. S. 189, 216.

PUBLIC OFFICERS — RIGHT OF RETIRING CITY OFFICIAL TO REMOVE INDEX INSTALLED BY HIM. — A city treasurer, whose duty it was to keep voluminous assessment records, installed an improved card index system at his own expense. This he was not required by law to do. His successor applied for an injunction restraining him from removing the index. *Held*, that the injunction should be granted. *Robison* v. *Fishback*, 93 N. E. 666 (Ind.).

The holding that the index became public property under the circumstances and hence could not be removed is clearly right. *Herron* v. *McEnery*, 1 McGloin (La.) 108. The index seems properly a part of the public records. See *Herron* v. *McEnery*, *supra*. But *cf. Bishop* v. *Schneider*, 46 Mo. 472. Even if the index is not strictly part of the public records, the public interest requires that it should not be removed, since it is indispensable in the use of the records. *Cf. Commissioners of Tippecanoe County* v. *Mitchell*, 131 Ind. 370. Indeed, the cases go further than to hold that the property right has vested in the public, and deny the retiring official any compensation. He has no contract for breach of which he may recover. For compensation as a public officer, he is entirely dependent on statutory provision. *Rasmusson* v. *County of Clay*, 41 Minn. 283; *Towsley* v. *Ozaukee County*, 60 Wis. 251. Public officers are deemed to have accepted their offices *cum onere*. If the installing of the index is incidental to his official duties, he is fully paid by his salary. *Gilchrist* v. *City of Wilkes-Barre*, 142 Pa. St. 114. If it is not, he must be treated as a volunteer, not entitled to recover in quasi-contract. *Rowe* v. *County of Kern*, 72 Cal. 353.

QUASI-CONTRACTS — MONEY PAID TO USE OF DEFENDANT — RECOVERY FOR PERFORMANCE OF DEFENDANT'S CONTRACTUAL DUTY. — The defendant